IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No. 1662 of 1983

For Approval and Signature:

HONOURABLE MR.JUSTICE KS JHAVERI

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ARJANBHAI M PAGI - Appellant(s)
Versus
SAVJIBHAI M PATEL & 2 - Defendant(s)

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Appearance :
MR PS CHAMPANERI for Appellant(s) : 1,
NOTICE SERVED for Defendant(s) : 1 - 2.
MR NAGIN N GANDHI for Defendant(s) : 3,

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CORAM : HONOURABLE MR.JUSTICE KS JHAVERI

Date : 01/08/2006

ORAL JUDGMENT

1. By way of this appeal, the appellant has challenged the judgement and award dated 29.10.1982 passed by the Motor Accident Claims Tribunal (Auxi.), Surendranagar in MACP No 218 of 1981 whereby the Tribunal awarded an amount of Rs. 12000/- by way of compensation payable to the appellant-original claimant by the opponents jointly and severally.

2. The appellant had filed claim petition seeking compensation to the tune of Rs. 50000/- for the injuries sustained by the appellant due to the accident which

occurred on 28.05.81 at about 10.30 pm near Milan Cinema. At that time, a matador bearing no. GTX 3814 driven by opponent no.1 and employed by opponent no. 2 in a rash and negligent manner thereby knocking down the claimant who was standing outside a pan shop near the cinema hall. The appellant sustained serious injuries and the Tribunal after hearing the parties passed the aforesaid award.

3. Learned counsel for the appellant has contended that the Tribunal has erred in awarding Rs. 5000/- for pain, shock and suffering and Rs. 1000/- for the loss of amenities due to permanent deformity. He has further contended that the Tribunal ought to have awarded Rs. 2000/- under the head of actual loss of income for a period of four months.

4. Heard learned counsel for the parties. I have gone through the award of the Tribunal. The Tribunal has gone through the evidence on record and observed that it is satisfactorily established that the driver of the vehicle was rash and negligent in driving more particularly when there was absolutely no evidence forthcoming on the side of the opponents.

4.1 The Tribunal in order to determine the amount of compensation relied on the medical certificates and the documents provided by the appellant and arrived at an

amount which in my opinion is just and proper. No documentary evidence is produced before this Court to take a view contrary to the one taken by the Tribunal and therefore I am not inclined to interfere with the award.

5. In the premises aforesaid, appeal is dismissed. No order as to costs.

(K.S. JHAVERI, J.)

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